

816 m. 7
19.

[1]

THE HUMBLE
REPRESENTATION
O F

Lieutenant-Colonel *CHARTERIS*.

Lieutenant-Colonel *Charteris* having been accused before a Committee of the Honourable House of Commons by one *Peter Hurley*, a Soldier in his Company, for extorting Money and a Note of 50 l. from him, and confining him Prisoner in the *Savoy* until he gave him further Security; mustering Ragots, and protecting Men against their Creditors, &c. Which Committee having made their Report, the said Colonel finds himself charged therein, by the Evidence of the said *Hurley* and others, with some Things which he humbly conceives (if admitted thereunto) he shall be able not only to disprove, but to make it appear from the Character of the said *Hurley*, and his Witnesses, how little Credit they deserve. For as to *Hurley* himself,

The said Lieutenant-Colonel humbly conceives, that his Evidence ought not to be admitted against him, for that he can make it appear by the Testimony of several Members of Parliament, and a Certificate under the Hands of divers Gentlemen of unquestionable Reputation, that the said *Hurley* stands convicted of Perjury in *Ireland*, and was guilty of divers Cheats and Misdemeanors there, as well as in *England*.

And as to the Note which *Hurley* pretends to be extorted from him, the Colonel can make it appear by undeniable Proof, that he was in *Scotland* when the Note was given, and neither knew thereof, or of *Hurley's* having a Mortgage in *Murphy's* Hands, and is himself ready to make Affidavit thereof. And the said *Hurley* was never discharged, but remains still a Soldier, as the Colonel made Oath before the Lord Chief Justice: But it is not to be supposed that the Colonel, or any other Officer, could or would swear that the said *Hurley*, or any one else, had done Duty as often as any other Person in his Company, as *Hurley* pretends. And as to what Serjeant *Williams* declares about the Colonel's causing him to be taken out of his Bed when sick, and to be put into the *Savoy*, for that he would not undertake to pay the Company 25 Men short; and that by such Treatment he was glad, being old, to quit his Post, and to give the Colonel Three Men to turn him into *Chelsea* Hospital; and that he paid the Company Three Weeks in the Colonel's Time, and paid only 38 Men.

The Colonel has already prov'd, by the concurring Testimonies of Serjeant *Cook*, and *Kemble*, that *Williams* was not put in the *Savoy* on that Account, but for protecting conceal'd Men; and that *Williams* was put into *Chelsea* Hospital at his own Request, and the Three Men were awarded to the Colonel by Major-General *Tatton*, (to whom the Difference between the Colonel and *Williams* was, at the Desire of *Williams*, referred) on Account of Clothes and Arms belonging to the Company, which *Williams* had im-

imbezelled, (as the said Major-General declar'd before the Committee.) And the Colonel can prove, that *Williams* never paid the Company in his Time, for the Colonel's Commission is dated the 28th of *February*, 1709-10. And it appears by the Paymaster's Books, and a Note under his Hand, that the first Money receiv'd for the Company in the Colonel's Time was upon the 13th of *April*.

As to what is testified by *Man* of giving back his Levy-Money to the Serjeant, and of his not receiving Pay, and of the Serjeants threatening to send him Abroad unless he paid Eight Guinea's, the Colonel knows nothing of his giving back the Levy-Money; but *Man* being one of the Three Men deliver'd to him by Serjeant *Williams*, according to Major-General *Tatton's* Award, he had his full Pay, as will be proved by *Cook*; and that he was put in the *Sadov* for neglecting his Duty, and was never threaten'd to be sent Abroad by the Colonel.

As to Serjeant *Pitman's* Testimony, that he paid only 38 Men in the Company for some Weeks after the Colonel had it, the Colonel admits it may be true, for that there were only 31 Men deliver'd over to the Colonel by Sir *Robert Rich*, and 10 Days after there were 13 Men drawn thereout, as there were out of other Companies; so that there were only 38 Men remaining to be paid the till Company was recruited, which was done as soon as possible; and the Colonel can prove, that he had, before the Complaint against him, list'd above 40 Men since he had the Company, and that his Serjeant paid their full Bounty-Money to all, but some few which the Colonel brought out of the *North*; and Major-General *Tatton*, and Captain *Symons* his Lieutenant, will prove, that the Colonel at the Time of his being accus'd had, and still hath, a complete Company, and that none of his Soldiers ever complain'd to them for Want of Pay, or any Thing else, as none but *Hurley*, *Man*, *Milfen*, and *Wilson*, did to the Committee: The Three last of which the Colonel discharged out of his Company, and refused to protect, and are now in Prison, which occasion'd their Complaint.

And the Colonel can prove by his Goldsmith and others, that when he went into *Scotland*, (where he has been by Leave, for settling his private Affairs, for the most Part since he had his Commission, till this Affair came to be in Agitation) that he left Orders with his Goldsmith to furnish his Lieutenant and Serjeant with what Money they wanted for list'ing of Men.

As to *John Watson*, whom *Pitman* says he never saw but twice, tho' several Weeks on the Muster-Roll, the Colonel can prove that he was long sick, and has since deserted, and was never discharged, as *Hurley* pretends.

As to what is testified against him by *Mrs. Wilson*, the Colonel has prov'd by Two concurring Witnesses, *Cook* and *Kemble*, that her Husband being arrested, she came to the Colonel, and desir'd him to claim him as his Soldier; which he refusing, she fell into a Passion, and threaten'd to get the Colonel broke, unless he would get her Husband out of Prison, or give her 30 *l.* but upon his doing either of them, she would say what he pleas'd before the Parliament.

That as to *Hare's* Evidence, it is plain that it was a Contrivance between him and *Hurley* his Uncle, *Hare* having insinuated to the Colonel, that his Uncle (against whom he pretended a great Hatred on Account of his villainous Practices) had promised to reward him if he would give such Evidence

dence against the Colonel as he would have him; but the Colonel suspecting some such Trick, made him declare before Two Witnesses, and afterwards before Two Members of Parliament, what *Hurley* had said to him, which he pretended he would testify before the Committee: But when he came before them, he pretended with great Cunning and Artifice to be afraid of giving his Evidence, unless he had the Protection of the House, which being assured of, he then declared the Colonel had bribed him (and produced Two Guinea's) to be an Evidence against *Hurley*: But the Colonel humbly conceives, that no one can reasonably believe that if he had been minded to have bribed Evidence, that he would have meddled with one so nearly related to *Hurley*.

Note, That one *Hocknell*, a Soldier in the Company, testifies, that one like *Hurley* promised him a Reward to be a Witness against the Colonel, and several others of the Company have offered to do the same.

Note, That although *Hurley* be still a Soldier fairly listed, delivered by Sir *Robert Rich* to the Colonel, and undischarged, confiding in the Protection of the House, did, at the last Muster, insult, abuse and challenge the Colonel at the Head of his Company, as is proved by Major-General *Tatton*, and Three other Witnesses.

And whereas the said *Hurley* has printed a Paper, wherein he inserts whatever he thinks may make for his Purpose, without having any Respect either to Truth, or what was proved before the Committee; whereas on the other Hand the Colonel has stated his Case fairly, and exactly as it stands in the Report, therefore he thinks fit to observe:

1. That *Hurley* never pretended before the Committee, that there were Two Notes for 50 *l.* given by him, as he now does in the printed Paper; but finding that the Note by him then pretended was ready to be produced, and appeared to be insignificant, he would not stick at any Thing to mend his Evidence.

2. That it is not probable the Colonel should offer, or *Hurley* refuse 1000 *l.* to desist from his Prosecution, as he now says in this printed Case; much less what he therein pretends to be proved by *Teidham*, of paying *Hurley's* Debts (more properly Cheats) which, as he is informed, are 250000 *l.*

3. That *Hurley* not being able to make the Colonel himself guilty of a false Muster in his own Company, he would in this his printed Case charge him with signing Colonel *Cathcart's* Muster-Roll; but this being tried by a Court Martial, was adjudged to be no false Muster.

4. That by this printed Case *Hurley's* Design appears to be the getting of Discharges for himself and Nephew, and Restitution of Money pretended to be extorted from him, *Milson*, and *Wilson*; but it is humbly submitted to the Wisdom of this Honourable House, how far it may be convenient to order Officers to pay their Soldiers, what Money they shall on their own bare Evidence pretend to be due to or extorted from them.

Note, *Hurley* in his own Paper owns that he was convicted of Perjury.

At May 10 1771

REPRESENTATION
FOR
LIEUT. COL. CHARLES

Members that elect
Town-keepers; I would to be first by way of the Honorable
voice; and the Original Affirmation was made to Mr. Cox
Town and West are ready to appear in Town Hall

Will Rogers